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Hearing Date: April 17, 2018
Objection Deadline: January 31, 2018 (extended)

*Attorneys for Merrill Lynch, Pierce, Fenner &
Smith Inc. and Merrill Lynch International*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re
LEHMAN BROTHERS HOLDINGS INC., *et al.*,
Debtors.

Chapter 11
Case No. 08-13555 (SCC)
Jointly Administered

**OBJECTION OF MERRILL LYNCH, PIERCE, FENNER & SMITH INC. AND
MERRILL LYNCH INTERNATIONAL TO MOTION OF THE PLAN
ADMINISTRATOR FOR AN ORDER IN AID OF EXECUTION OF THE PLAN**

Merrill Lynch, Pierce, Fenner & Smith Inc. and Merrill Lynch International (collectively, “Merrill Lynch”), through their undersigned attorneys, hereby join in the objection of Deutsche Bank AG, London Branch, and themselves object, to the *Motion of the Plan Administrator for an Order in Aid of Execution of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* (the “Motion”) [Dkt. No. 57036].¹

1. On November 21, 2017, the Plan Administrator filed the Motion. On January 17, 2018, Deutsche Bank AG, London Branch (“Deutsche Bank”) filed the *Objection of Deutsche Bank AG, London Branch to Motion of the Plan Administrator for an Order in Aid of Execution of the Plan* (the “Objection”) [Dkt. No. 57490] and the *Declaration of Michael Sutton in Support*

¹ Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

of Objection of Deutsche Bank AG, London Branch to Motion of the Plan Administrator for an Order in Aid of Execution of the Plan (the “Sutton Declaration”) [Dkt. No. 57493].

2. Merrill Lynch, as a holder of the ECAPs at issue in the Motion, objects to the relief sought in the Motion. For all the reasons set forth in the Objection filed by Deutsche Bank, including the legal arguments set forth in the Objection and the facts set forth in the accompanying Sutton Declaration, the Motion should be denied in its entirety.

3. Merrill Lynch intends to participate in all proceedings relating to the Motion and any related relief. Although Merrill Lynch has joined in the arguments and submissions of Deutsche Bank to avoid unnecessary duplication, Merrill Lynch independently objects to the Motion and related relief on each of the grounds set forth in the Objection and reserves all rights to make further submissions relating to the Motion, regardless of Deutsche Bank’s position or participation.

Dated: January 31, 2018
New York, New York

WACHTELL, LIPTON, ROSEN & KATZ

By: /s/ Emil A. Kleinhaus
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